

**Albemarle County Planning Commission
Final Work Session and Regular Meeting Minutes
February 27, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 27, 2024, at 4:00 p.m.

Members attending were: Fred Missel, Chair; Corey Clayborne; Julian Bivins; Luis Carrazana; Nathan Moore; and Lonnie Murray.

Members absent: Karen Firehock

Other officials present were: Michael Barnes, Director of Planning; Kevin McDermott, Deputy Director of Planning; Bill Fritz; Ben Holt; Andy Reitelbach; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Missel called a recess until 6 p.m.

Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

Consent Agenda

Mr. Clayborne motioned that the Commission approve the consent agenda as presented. Mr. Carrazana seconded the motion, which carried unanimously (6:0). (Ms. Firehock was absent)

Public Hearing

ZTA202300002 Personal Wireless Service Facilities

Mr. Missel said that this was another challenging issue they faced that night. He said that they had received numerous emails expressing opinions on both sides of the matter. He also said that he had requested that staff address the issue of community health and their authority concerning this matter. He said that he looked forward to hearing their input, which he hoped would provide clarification for some community members who had raised concerns about this issue specifically.

Mr. Missel said that the discussion would primarily focus on balancing aesthetics, which could be subjective in many cases, and public safety. He said that everyone was aware that the County had spent considerable time addressing aesthetics and enhancing the visual environment they lived in and enjoyed. He said that balancing technology was also crucial in this context.

Bill Fritz, Development Process Manager, said that he would present the Zoning Text Amendment for the Personal Wireless Service Facility. He said that the section addressing environmental factors was directly sourced from federal code. He said that he would read the federal code provision verbatim. He read, "No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." He said that this text directly answered the question raised.

Mr. Fritz said that the Planning Commission was informed about the comprehensive information provided in their packet. He said that there was significant interest in this topic, resulting in a survey conducted. He said that both a summary and raw data from the survey were included in the packet for further analysis. He said that the raw data allowed participants to examine the actual answers provided during the survey. He said that one consultant was joining the meeting online and two consultants were present in person.

Chris Musso said that he was with the Berkeley Group and was accompanied by Darren Coffey, also from Berkeley Group. He said that Susan Rabold from Cityscape Consultants was their subject matter expert for the project and was attending the meeting remotely. He said that they had partnered with Cityscape Consultants and County staff over the past year to review Albemarle Planning Commission's personal wireless facility ordinance, reassess its provisions, and revise them to align with both state and federal codes.

Mr. Musso said that he would begin by outlining their agenda for the evening. He said that they would be discussing the purpose of the initiative, providing a background of wireless policy in Albemarle County thus far, covering the work conducted for this project, including community engagement activities, presenting the highlights of the proposed changes they brought before them that night, opening the floor for a public hearing, and requesting that they provide a recommendation to the Board for the newly proposed ordinance.

Mr. Musso said that he would provide a brief overview of the history of the wireless ordinance in Albemarle County. He said that Albemarle County had adopted its first wireless policy in the year 2000, which was 24 years ago. He said that as wireless technology had advanced, there had been an increasing need for additional regulatory measures. He said that much had changed in the past two decades. He said that in 2004, Albemarle had adopted its existing wireless ordinance. He said that since then, the ordinance had undergone several minor amendments to address changes in technology needs and development; however, the ordinance had not seen a complete rewrite or overhaul since its inception.

Mr. Musso said that the purpose of their project was aimed at reevaluating the entirety of the wireless ordinance and revising it where necessary, as technology continued to advance, so too must the regulatory framework surrounding it. He explained that most of the wireless technology regulations were determined at the state or federal level, primarily by the FCC. He said that their objective in this project was to ensure that Albemarle County's wireless regulations matched those found in both the Code of Virginia and FCC guidelines. He said that they aimed to develop County regulations that could assist the wireless industry in meeting the growing demand for wireless services in the area, thereby better serving the community.

Mr. Musso said that as someone who frequently drove through Albemarle County, he could attest that cell phone service could be improved in certain locations. He said that to address this issue, their work was divided into two separate phases consisting of research and development. He said that introducing the project to the public and industry professionals on March 7, 2023, Cityscape Consultants began with a comprehensive inventory assessment of all existing wireless facilities in Albemarle County, as well as those just beyond the border that still served the County. He said that from this, a service map was created to identify potential gaps or areas with no or poor wireless coverage in the County.

Mr. Musso said that both of these were shared with industry leaders in the community on June 13, 2023, and were available through Albemarle County. He said that following the creation of both the wireless inventory and service coverage maps, an analysis was conducted to determine if the policy was a partial cause of the service gaps, and if so, what changes could be proposed to improve future network service. He said that the proposed ordinance changes resulting from this analysis were now before them. He said that they would discuss some of the key highlights of this ordinance shortly, but these proposed changes were a direct result of required changes from state and federal regulations, the gap analysis, and community engagement.

Mr. Musso said that a crucial aspect of any project like this was community engagement. He said that before work began on the project, staff held a kickoff meeting on March 7, 2023, open to the public and industry stakeholders, where they introduced the project to them and sought initial feedback and suggestions. He said that prior to the development of the draft ordinance amendments, they also launched an online survey through Engage Albemarle that was conducted between August 7 and August 27, 2023, to ask the community what changes they wished to see in the wireless facilities in the County and gather suggestions for potential changes. He said that in the final stages of their process, they shared the proposed ordinance changes with both the community and industry members.

Mr. Musso said that they received direct feedback from them regarding these changes. He said that their proposed ordinance's recommendations primarily stemmed from majority opinions and updates to the Code of Federal Regulation. He said that he would now like to highlight some key proposed changes to the ordinance that they believed were significant. He said that first, they proposed removing agricultural forest districts and clustered facilities from the list of avoidance areas. He said that this would allow treetop towers in these areas to be acted upon administratively instead of requiring a special use permit. He said that updates in industry terminology, federal, and state regulations had led them to make these changes, particularly in definitions.

Mr. Musso said that they proposed allowing small cell facilities by right in compliance with state regulations and require providers to give notification of installation to the County. He said that they also proposed removing reference to tree height as a concealment element. He said that this change would allow administrative approval of treetop towers to be installed at a height of 30 feet above the reference tree's height. He said that they had removed this requirement so that treetop towers could be installed at modified heights. He said that they proposed requiring providers to supply a statement that facilities were in compliance with FCC regulations. He said that they proposed removing the limit on the number of arrays permitted on a tower and removing the size limit on antennas.

Mr. Musso said that they proposed removing the limit on the diameter of the monopole, which was in the provided picture, to accommodate coaxial cables for co-locations to be placed inside the monopole. He said that they proposed removing the maximum projection of antennas of 18 inches on facilities, structures, and buildings. He said that this change would accommodate antenna and radio size changes in the industry and promote greater coverage of wireless signals by allowing radios to be placed on the tower versus the ground. He said that those were some of the key changes they had proposed in the ordinance.

Mr. Musso said that he invited them to review the ordinance in front of them if they wished to discuss any specific changes that were not mentioned during this presentation. He said that the Commission was asked to provide a recommendation of the proposed ordinance to the Board of Supervisors following a public hearing conducted after this presentation. He said that the recommendation could either be an approval with the proposed ordinance included in Attachment 6 or approval with the included Attachment 6 with any desired changes.

Mr. Clayborne asked if during their background research, they had identified any localities that had similar ordinances that served as a basis for design.

Mr. Musso said that in retrospect, they did not include benchmarking in this project. He said that their focus was exclusively on federal and state regulations, which they examined within Albemarle County for a gap analysis and wireless inventory. He said that Mr. Fritz or Ms. Rabold could provide further details.

Mr. Fritz said that the County's ordinance was more restrictive than most other jurisdictions. He said that they had a very robust ordinance. He said that few other localities addressed this issue as much or as thoroughly as they did.

Mr. Clayborne said that several significant proposed changes numbered 1 through 9 appeared to be substantial. He asked if other localities had similar items.

Mr. Fritz said that they either had similar ones or did not regulate it at all.

Mr. Carrazana said that during the presentation, public engagement was mentioned and its role in shaping recommendations was highlighted. He asked if they could elaborate on particular public engagements and how they had been incorporated into the current situation.

Mr. Musso said that he did not know if he had the survey in front of him at the moment; however, he could remember specific questions from it. He said that they received mixed opinions on the survey, which was common, but he could recall several instances where the majority of people were accepting of increasing the maximum tower height by however many feet, they raised it by.

Mr. Fritz said that the attached document, Attachment 1, contained the summary of the survey. He said that the results were presented in a pie chart format, allowing for visual representation of each question's outcome. He said that the majority of questions showed a relatively close split, such as 51% versus 49%, 52% versus 48%, or one-third versus one-third. He said that in cases where there was a majority, that direction was considered for amending the ordinance.

Darren Coffey said that he was from the Berkeley Group, and he would like to briefly comment on the survey results. He said that there were two significant observations: firstly, that service

coverage was insufficient for most people; secondly, there was a high response rate, with over 700 responses and approximately 20 to 30 responses per day. He said that this indicated that the topic was of great interest to the community. He said that they proposed modifications in nine major categories, which appeared to involve significant changes. He said that however, these changes could have substantial benefits for service enhancement without negatively impacting the County's aesthetic appeal. He said that for instance, allowing monopoles to increase their width to accommodate equipment inside them would be difficult to detect visually from distances of 20 to 30 feet above ground level.

Mr. Coffey said that their recommendations were based on professional judgments. He said that Bill Fritz was one of the leading telecommunications experts in Virginia with over 24 years of experience. He said that Susan Rabold, who was listening and could address technical questions, did this process across the country. He said that the County engaged them in partnership due to their understanding of the importance of preserving its character while accommodating telecommunications infrastructure. He said that they believed that the proposed changes were both significant and prudent without compromising the community's emphasis on maintaining its unique character.

Mr. Carrazana said that they held a work session there during the summer. He asked for an outline of the key takeaways from that session and indicated that they wanted staff to identify if any of those findings were incorporated into the new recommendations.

Mr. Musso said that was an excellent question. He said he was unsure if he participated in that work session; however, if their cohort was active, she may contribute some insights.

Susan Rabold said that she was with Cityscape Consultants. She said that in that prior work session, they had presented the engineering analysis they conducted, which aimed to increase coverage area without significantly altering the existing code, as Mr. Coffey mentioned earlier. She said that they then incorporated the feedback from that meeting into the survey. She said that they ensured that the questions and options presented to the community were based directly on their shared information, including maps and terminology from the federal code. She said that this way, when the revised code was presented to them, they could clearly see the changes in definitions.

Mr. Bivins said that their policy had not kept pace with technological advancements. He said that although the proposed regulation that stood out for its forward-thinking approach was the 30 feet above tree level requirement, trees would grow and technology would expand, leading to different equipment in the future that would make it more efficient. He said that he wanted to address a couple of points. He said that he did not understand why they could not establish a set of colors for Albemarle County equipment and require them to be painted accordingly.

Mr. Bivins said that he was also unsure of the certification requirements for an FCC engineer. He said that while there were certifications available, he was not certain whether Albemarle County wished to assume responsibility for verifying that engineers met FCC standards rather than placing that liability on applicants themselves. He said that this was a risk he would not want the County to undertake. He said that he would like to have conversation about not avoiding historic areas.

Mr. Bivins said that regarding historic areas, there was a document available online called "Albemarle County Historic Districts." He said that those historic districts were often very rural. He said that some people in these areas attempted farming, but fiber connections at home did not help when working in the fields. He said that some new technology in tractors and farm equipment relied on cellular connections for their operations. He said that the challenge was to balance rural and agricultural needs while incorporating technology.

Mr. Bivins said they must decide whether to support farmers who required this technology or prioritize personal preferences for newer devices like his Razr phone. He said that he was in favor of this approach but had two concerns. He said that he wanted to know why should they qualify who an FCC-certified engineer was. He said that they should let the applicant handle this process. He said that secondly, he wondered if they could they not create a set of colors or a color palette that would work in these areas and provide guidance for painting structures.

Mr. Murray said that in the previous comprehensive plan discussion, he had highlighted that their rural area lacked a map detailing open space resources. He said that this was particularly concerning since many sensitive environmental areas were located on mountaintops. He said that without proper delineation of these resources and specific callouts for biologically significant areas on mountain peaks, they may face issues if they did not adequately consider this factor.

Mr. Murray said that he was interested in the statement regarding historic districts; however, he believed historic resources held more importance than historic districts. He said that this approach would allow them to address the impact on historic Black communities in their rural area without disproportionately placing cell towers in areas without opposition. He said that he requested clarification on item seven concerning open space resources.

Mr. Musso said that he believed that the map displayed on that slide represented the locations of your Agricultural Forestal Districts (AFDs), which constituted a significant portion of their County. He said that the purpose of preserving open spaces was to maintain natural areas that would not be developed, thereby allowing them to serve functional purposes. He said that he understood the apprehension regarding mountaintop and ridgeline conservation. He said that he was unsure if Mr. Fritz could address this issue. He said that however, he assumed that since administrative approval was required for such developments, they hoped they would be halted at that level. He said that they could certainly investigate this further.

Mr. Fritz said that the avoidance area still included ridge areas, and they could work on refining or redefining its definition. He said that with the Commission's comments, they could further refine this definition when presenting it to the Board of Supervisors, ensuring that they understood which ridge area was being protected.

Mr. Bivins said that he believed there was more to consider than just shadowing effects on ridges. He said that his colleague was referring to biologically sensitive areas in the County that may not be ridges. He said that those areas may be part of the biodiversity plan, which highlighted locations where towers should not be placed.

Mr. Fritz said that he was making a note of it.

Mr. Missel asked for the definition of small cell facility, as he wanted to ensure his understanding was accurate. He said that in regard to this subject, he wanted to know if it was correct that

associated equipment such as electric meters, concealment, telecommunications demarcation boxes, backup power systems, and all related components were not included in the calculation. He said that if these elements could be situated outside of the specified six cubic foot area.

Mr. Fritz said that yes, that language was directly taken from the state code without any alterations. He said that the reason for including it as a by-right use was that the County had no authority to deny it if it met those requirements. He said that they must approve it if it met those requirements.

Mr. Missel asked if a small cell facility had a similar height to a normal one.

Mr. Fritz said they were generally attached to utilities or buildings; there was no new structure associated with that.

Mr. Bivins said that the small facilities provided a smaller distance for transmissions as well.

Mr. Missel asked about the existing towers that had been previously reviewed and approved under the old or current regulatory standards.

Mr. Fritz said that they could be expanded.

Mr. Missel asked if they could be expanded to these new regulations.

Mr. Fritz said yes.

Mr. Missel asked if they could do it by right where it was allowed by right.

Mr. Fritz said that they would be able to utilize the new regulations and have the standoff distance and have the antenna array at the specified height. He said that as a result, there would be no difference between a previously approved tower and a new tower. He said that they would be able to do the same thing.

Mr. Missel asked if Mr. Fritz could provide information regarding what percentage of current cellular facilities were small ones.

Mr. Fritz said that there had been no small cell facilities approved in Albemarle County. He said that they had not received any applications for a small cell facility in Albemarle County that he was aware of.

Mr. Carrazana said that at the University of Virginia, there were several small cells. He also said that the City had some small cells too. He asked if they were considered as being on state land at UVA.

Mr. Fritz said that he was unable to answer that question at this time; however, they had not received any applications for small cells that he was aware of. He said that it was possible that some may have been installed without permits, which would be a separate issue to address.

Mr. Carrazana said that he was wondering about one on Fontaine.

Mr. Fritz said that he assumed those facilities were located on the City side of the university.

Mr. Missel said that it was the County.

Mr. Fritz said that he was not aware of any facilities. He said that it was possible that they applied because they processed numerous applications. He said that if they did apply, they would have applied for a Tier 1 facility, which required a building permit, and they would approve those applications accordingly. He said that he was not aware of any specifically stating that they were a small cell coming in under the small cell regulations of the state. He said that they may have just come in and claimed that they could meet the Tier 1 requirements so they did it as Tier 1.

Mr. Missel about the opening avoidance area paragraph's third point, which discussed locations within 200 feet of state scenic highways or byways. He asked for clarification if this regulation applies to entrance corridors as well.

Mr. Fritz said that entrance corridors have never been considered avoidance areas, and they were not currently proposed to be avoidance areas either.

Mr. Missel asked how that related to ARB oversight.

Mr. Fritz said that the Architectural Review Board reviewed tower applications, particularly Tier 3 towers, which required a special use permit. He said that this permit was referred to the Architecture Review Board for comments, similar to other individuals commenting on special use permits. He said that Tier 1 and Tier 2 towers did not have specific regulations they must follow.

Mr. Missel said that his last question was regarding the grouping of towers.

Mr. Fritz asked if Mr. Missel was referring to the horizontal clustering of towers.

Mr. Missel asked what Mr. Fritz initially thought when addressing this issue.

Mr. Fritz said that the original language, when initially adopted, aimed to address situations where more than three signs were clustered together, potentially causing adverse visual impacts. He said that the survey results indicated that most people desired relief from this issue.

Mr. Missel said that they would not receive any additional oversight in this regard. He said that this meant if someone came in and wished to add a fourth or fifth element, they would not be subject to further scrutiny.

Mr. Fritz said that the area will not be designated as an avoidance area. He said that regarding its location, if there was a need to remove trees that may cause adverse impacts or setbacks that cannot be met, then yes. He said that simply being near other towers did not automatically classify it as requiring a special use permit. He said that among the treetop towers they had, he believes they only had one location where there were more than three.

Mr. Moore asked if, in general, towers must be situated as far behind the property line as they were tall.

Mr. Fritz said that no alterations were made to the setback requirements. He said that certain restrictions had limited people from undertaking expansions of towers due to their inability to meet the setback requirements. He said that this issue had persisted for several decades.

Mr. Bivins said that the tower height had to meet the fall line of the tower itself.

Mr. Murray said that during their discussions, he frequently heard concerns regarding distances from residences, which essentially referred to distances from property lines. He asked if they had contemplated increasing the setback even more than their current proposal to address these concerns.

Mr. Fritz asked if Ms. Rabold recalled the conversation regarding that issue.

Ms. Rabold said that she did not remember discussing an increase in setbacks; they merely decided not to suggest a decrease. She said that she would like to address the question regarding the engineer certification. She said that the standard was not intended for the County to oversee the certification process. She said that they simply requested that the industry provide a signed statement from the RF engineer confirming they had met the standards outlined in the FCC emissions document. She said that this was a straightforward process where the RF engineer indicated their compliance when submitting materials for review. She said that they had included this requirement due to concerns about health and safety from emissions since they could not regulate them. She said that the most they could do was require certification.

Mr. Missel said that he would open the hearing to comment from the public.

Ms. Shaffer said that for clarification, Christine Putnam had spoken earlier during the work session.

John Cruikshank said that he resided on Spring Lake Drive in the White Hall District. He said that he opposed the proposed revisions to the current policy concerning cell towers in Albemarle County. He said that he preferred maintaining the existing policy without alterations. He said that he understood that people desired to use their cell phones; even he possessed one. He said that the rural areas of Albemarle County remained picturesque, and they should not mar their landscapes with unsightly structures.

Mr. Cruikshank said that there was no need for cell towers to be larger or taller; they should never be situated near schools or densely populated neighborhoods. He said that this issue primarily revolved around money. He said that the telecommunications industry leveraged their financial resources and lobbyists to persuade the U.S. Congress to pass the Telecommunications Act of 1996, which prohibited him from discussing the ecological, wildlife, and human health damages caused by these installations.

Mr. Cruikshank said that financial gains had led to the proliferation of cell towers. Verizon, AT&T, and other companies received substantial payments for each tower installed. He said that Albemarle County Schools had received \$128,986 from Milestone Communications since 2019 for placing large cell towers adjacent to athletic fields at Albemarle High School and Western Albemarle High School. He said that this situation was shameful. He said that bigger was not better. He asked them to reject these policy changes. He said that they should preserve the

beauty of their landscape and the health of their people. He said that they should not sell out to the telecommunications industry, which was only motivated by profit.

Barbara Cruikshank said that she resided in Earlysville in the White Hall District. She said that her background was in community health. She said that she would begin by presenting some facts about wireless radiation that many people seemed to overlook. She said that wireless radiation was classified as a carcinogen in 2011 by the World Health Organization; it had the potential to cause cancer. She said that this type of radiation affected every system within the human body, leaving none exempt from its influence. She said that children were particularly vulnerable due to their rapid development and high metabolism and were therefore at the greatest risk.

Ms. Cruikshank said that cell towers operated 24/7 without any off button, emitting continuous pulse radiation that passed through and was absorbed by the human body before being transmitted to others. She said that over 2,000 global studies had demonstrated the detrimental effects of wireless radiation on human health, particularly in children. She said that the Federal Communications Commission (FCC) standards, which were 28 years old, had never been updated or strengthened. She said that the lack of action had led to the FCC being sued for failing to increase safety levels for humans.

Ms. Cruikshank said that she would like to share one cell tower story, specifically the one at Albemarle High School, located just 55 feet from the building. She said that her own measurements of radiation levels were found to be very high and alarming. She said that the County schools agreed to have experts assess whether these levels were legal. She said that she had requested that they determine if the levels were safe for human exposure. She said that although they were deemed legal, two building biologists hired by her expressed extreme concern for the safety of the children in the building and urged immediate action.

Ms. Cruikshank said that this situation was disgraceful, as children represented highly sensitive areas that should be protected from such radiation exposure. She said that the current situation could lead to conflicts between neighbors and was driven by financial gain. She said that she had personally experienced microwave syndrome, which was becoming increasingly common due to exposure to wireless radiation. She said that children in schools and teachers faced constant radiation exposure throughout their day.

Mike Shingold said that he lived on Garth Road in White Hall. He said that he was there today to raise a couple of points. He said that firstly, he believed that the cell phone service could be improved in their area. He said that what was proposed went too far and was essentially a capitulation to the cell phone companies and tower owners. He said that he would like to clarify that he heard their second consultant state that there was no impact on aesthetics.

Mr. Shingold said that if they examined the numerous responses received, they would observe that many people had complained about its impact on aesthetics. He said that he thought that was incorrect. He said that he also believed that the first consultant, if he understood him correctly, suggested that this was merely implementing federal and state law. He said that in other words, what was before them now. He said that while it was true that this was implementing some federal and state law, they had the right to deny or amend it. He said that it was not simply implementing what was required by higher authorities.

Mr. Shingold said that he believed another crucial aspect that had been overlooked concerning aesthetics was that people visited this area because of its beauty. He said that by erecting these massive towers and widening them, they would likely see a decline in tourism. He said that he had not heard any consultants discuss the negative impact on County revenue from this. He said that he highly recommended that they postpone voting today and consider this aspect.

Mr. Shingold said that finally, he would note that when individual cell phone towers were installed in the past, local residents had the right to comment on them or oppose them. He said that if this law was implemented, however, they could unilaterally change that on behalf of cell phone tower companies and cell phone companies without input from residents regarding individual towers. He said that although there was undoubtedly excellent cell phone service, he believed they needed to reassess this proposal, which appeared to be primarily beneficial for cell phone companies and cell tower companies.

Nate Holland said that he was a resident of Albemarle County and also a consultant for Verizon Wireless. He said that Verizon Wireless supported all the proposed changes to the telecommunications ordinance except for point number two, which concerned the by-right height of administratively reviewed towers, also known as Tier 2 treetop towers. He said that the height had increased from 10 feet to 30 feet above the tallest tree within 25 feet of the tower.

Mr. Holland said that Verizon's Radio Frequency Systems (RFS) engineers had reviewed the draft ordinance and believed that increasing the height of all towers across the County by 20 feet would not result in a meaningful improvement of cellular coverage. He said that due to the topography and rural nature of most of the County, customers would require a minimum tower height of 175 feet above ground level to see a significant improvement in coverage. He said that therefore, Verizon requested that the County revise the ordinance to allow new and replacement 175-foot monopole towers, provided that setbacks allowed for monopole and self-support towers.

Mr. Holland said that he was also a resident of Albemarle County and a member of the 5th and Avon CAC. He said that the revision of the wireless policy had been long overdue and that he had lived there for 17 years or more. He said that the current policy had achieved its intended purpose in the early 2000s, which was to conceal the towers. He said that as he drove around the County, it had successfully hidden the towers but had had a detrimental effect on the residents of Albemarle County, as cell phone usage had become more widespread because the coverage was inferior compared to other areas.

Mr. Holland said that since he frequently traveled around the state, he kindly requested that they meticulously assess the changes being made and determine if they were sufficient to provide high-quality coverage throughout the County. He said that he endorsed Mr. Bivins' remarks concerning historic areas being listed as an avoidance area. He said that there were numerous historic areas in the County that restricted their ability to establish sites.

Valerie Long said that she was from Williams Mullen. She said that she had been working in this field for approximately two years less than Bill, who held the record. She said that she had first worked on her first wireless application in 1998. She said that her colleague, Lori Schweller, who might contribute to their discussion, had extensive experience in this area, having worked for both Verizon and other providers. She said that they had collaborated in various other localities. She said that if anyone had questions about ordinances in other localities or their implementation, they

would be pleased to engage in that conversation. She said that she was unsure if they had received their comments or not, as they were not included in the agenda packet.

Ms. Long said that they would like to request that they review them and consider asking staff to incorporate their comments into the draft ordinance. She said that one of their comments was included in the draft, but it had been changed since its initial release. She said they were very excited with the proposal to allow towers to be 30 feet above the reference tree instead of just 10 feet. She said that this change would significantly improve the quality and coverage of wireless services. She said that this provision had been reverted back to 10 feet in the current draft. She said that there was a technical nuance regarding substantial change that she would let Mr. Fritz explain further.

Ms. Long said that this provision was intended to facilitate towers reaching 30 feet but required them to be initially placed 10 feet above the trees and then increased by 20 feet later. She said that this would not occur for any carrier. She said that implementing such a plan involved constructing two towers and replacing them immediately, which was not feasible. It would create a significant deterrent to achieving the objective of enhancing coverage. She said that there remained several issues that she had mentioned earlier, which they had highlighted in their letter and written comments that had not been addressed. She said that historic districts, as mentioned by Mr. Bivins, according to materials from one of the work sessions, comprised 29% of the County.

Ms. Long said that it was still listed in the current draft as an avoidance area. She said that the impact of an avoidance area was that if a tower met all the criteria for a Tier 2 site, such as being a brown pole, 10 feet above the trees, it was classified as a Tier 2 site by right, subject to staff review, if it was not in an avoidance area. She said that conversely, if it was in an avoidance area, it required a special use permit, which could take nine months or more if deadlines were met. She said that this change did not offer any additional benefits to the public. She said that staff still reviewed Tier 2 facilities for visibility and impacts and other related aspects, which was another matter altogether. She said that she would be pleased to discuss these concerns further and address any questions anyone may have.

Mr. Missel asked if there were any other members of the public who wished to speak. Seeing none, he asked the Clerk if there were any speakers online.

Ms. Shaffer said there were none.

Mr. Missel asked if the Commissioners had any further questions.

Mr. Bivins said that when the County engaged with the firm offering guidance, he wanted to know if they had explicitly stated that they wanted an industry firm or if they had requested someone who was not affiliated with the industry.

Mr. Fritz said that the Board of Supervisors had set out the criteria for evaluating the responses to their RFP that they had issued previously. He said that they assessed the submissions based on these established criteria.

Mr. Bivins said that he would like to clarify that they were not shilling for any industry at this time.

Mr. Coffey said that the Berkeley Group was a local government consulting firm that exclusively focused on public sector work. He said that Cityscape was another telecommunications firm specializing in public sector projects as well. He said that neither the Berkeley Group nor Cityscape could be accused of being pro-industry; they prioritized locality. He said that they collaborated with industry players while attempting to strike a balance in regulatory measures. He said that the speakers demonstrated varying opinions tonight, highlighting the need for finding a suitable balance. He said that their recommendation aimed to address this issue by drawing a clear line.

Mr. Moore said that he had a question regarding a point raised by Ms. Long. He said that he was unsure if he received an email about it or if he did, it was lost among numerous others. He said that concerning the proposal for a tower 30 feet above the reference tree or nearby trees, he was unsure if this required staff approval or disapproval, and if there was a requirement to build it 10 feet first before adding the remaining height.

Mr. Fritz said that the FCC had introduced a complex issue regarding tower height increases. He said that the FCC had a provision allowing for an increase in tower height if it did not result in a substantial change. He said that this substantial change was defined as more than 10% or 20 feet, whichever was greater. He said that for this explanation, they would focus on treetop towers. He explained that treetop towers could be increased by 20 feet. He said that for 80, 90, or 100-foot towers, this meant they could reach up to 120 feet.

Mr. Fritz said that the County's interpretation of FCC guidelines stated that part of being a substantial change was defeating concealment elements. He said that the FCC did not define concealment elements, so the County did, including the relationship to the reference tree in the definition. He said that a new FCC order effectively removed this definition as an option for them. He said that treetop towers that were previously 30 feet above the tree could now be increased by 20 feet, reaching 50 feet above the tree due to the automatic increase allowed by the FCC provision. He said that historically, they had received requests for tower height increases, typically for Tier 3 towers.

Mr. Fritz said that one speaker mentioned that they needed 175 feet. He said that there was no provision in the ordinance that prohibited applying for and obtaining approval of a 175-foot tower. He said that this was classified as a Tier 3 special use permit. He said that previously, this body had recommended approval of a Tier 3 tower in Greenwood, which was approved by the Board of Supervisors. He said that the tower was more than 10 feet above the avoidance area, among other factors. He said that there was no restriction on this. He said that in cases where applicants requested a 125-foot tower, they approved it at 105 feet. He said that they allowed them to build the tower at this height and then add an extension later if needed.

Mr. Fritz said that this had been their consistent practice. He said that they had been clear about this policy. He said that they did not require incremental construction. He said that they approved the tower at 20 feet less than its ultimate height. He said that this was why, in this instance, there was a 10-foot allowance above the current height, enabling an additional 20 feet for a total of 30 feet. He said that this was due to the FCC's guidelines. He said that he would like to clarify regarding the email; he would try to apologize. He said that two letters were misfiled in all the documents he received, however, they were included in the packet and were a part of the record. He said that they would be included in the packet forwarded to the Board of Supervisors. He apologized to the two individuals affected by this unintentional error.

Mr. Clayborne asked if public safety officials had examined this issue yet. He said that he inquiring due to the 41% of service users who reported poor coverage, such as having only one bar. He said that this statistic appeared quite significant.

Mr. Fritz said that he did not recall the numbers; however, throughout this process, they had been in communication with Mike Culp from the Broadband and Affordability Office. He said that Mr. Culp had been liaising with emergency service providers. He said that these providers had not offered any direct comment, either positive or negative. He said that they were aware of this issue but had not stated whether it fell short or met expectations. He said that essentially, they had remained silent. He said that they may have commented in the survey; he should note that this survey received the second-highest response among all County surveys conducted.

Mr. Missel closed the public hearing and the matter rested with the Commission.

Ms. Rabold said that she would like to clarify a statement made by Bill regarding public safety. She said that although they did not provide commentary on their analysis, they contacted them after they completed their inventory. She said that they informed her of additional infrastructure they had at some of their sites and that they did not have personal wireless service facilities at all of their locations. She said that she conducted another round of assessments to include these facilities after receiving their information. She said that in the future, they may consider using parts of their analysis to improve public safety coverage in certain areas. She said that she wanted to share this information because they were monitoring their work and provided feedback specifically about their locations.

Mr. Moore said that they must find a balance between increasing service coverage and respecting people's desire for discreet towers, as stated by their consultants. He said that while he recognized the aesthetic appeal of concealed infrastructure, he said that others may have different preferences. He said that they faced challenges in historic districts, where any cell coverage improvements required approval from both them and the Board of Supervisors. He said that this process could significantly slow down and increase expenses for cell coverage in Esmont, Keene, Howardsville, Scottsville, Woodridge, Stony Point, and Keswick. He said that these areas collectively covered nearly one-third of the County's land.

Mr. Moore said that some historic districts were small enough that they could work around them, such as Profitt, Advanced Mills, or Batesville. He said that however, addressing the Southern Albemarle Historic District, which encompassed the entire southeast quadrant of the County, posed unique challenges. He said that even preservation advocates acknowledged the need for better cell service in these areas.

Mr. Moore that they should not overlook this issue and should find ways to improve cell coverage without compromising historic preservation efforts. He said that their technical expert suggested that 30 feet was still a challenging height for tower installation but remained workable. He said that his focus for this topic had been on ensuring that people had access to cell coverage for essential uses, such as economic activities and personal safety, rather than just recreational purposes like using social media in rural areas.

Mr. Missel said that he would like to ask staff about this matter, specifically concerning the historic district. He said that he believed several individuals had questions related to this topic. He asked

if, given that it was within the avoidance area, this necessitated staff review and a special use permit.

Mr. Fritz said that if it was in an avoidance area, it automatically triggered it to a Tier 3, which required a special use permit regardless of design.

Mr. Missel asked if they had considered alternative ways to define or focus more specifically on the concern that would be relevant in a historic area rather than the entire district.

Mr. Fritz said that the issue was that they lacked a historical ordinance. He said that there were no County-identified historic districts either, which made it challenging to determine the criteria for assessment. He said that they were unsure whether they should use national landmarks or Virginia-registered landmarks. He said that there were no guidelines or clear directives, so they did not explore alternative routes.

Mr. Missel said that this meant it was very broadly defined.

Mr. Fritz said that the definition was indeed broadly defined. He said that if the Commission intended to recommend that staff adjust the avoidance area to ensure it is not within X miles of a landmark or Virginia-registered site or some other target, he would collaborate with their historic preservation team to determine the appropriate phrasing. He said that once they established the correct wording, they could then reference the appropriate document to confirm their understanding of which items or locations require protection. He said that the avoidance area's distance from these resources could be adjusted accordingly, whether it be one mile, two miles, five miles, or a thousand feet.

Mr. Bivins said that he agreed with Mr. Moore regarding avoidance areas but was hesitant about labeling historic structures as avoidance zones. He said that his disagreement with Monticello's stance should not impact their decision-making process. He said that he would like to refer back to their June 13 meeting where it was mentioned that 51% of the County fell under avoidance areas, which he found unreasonable. He said that the percentage would always be unacceptable to him, especially when considering historic homes in their community that had been recognized with Virginia historic plaques.

Mr. Bivins said that including such homes in avoidance zones would drive him further out of his mind. He said that if they must avoid situations like Greenwood, where a plantation owner had objected to a cell phone tower due to visibility concerns, even though it was located on a farm adjacent to their property. He said that this was not the approach they should take in their region. He said that recent statistics from the Washington Post revealing that 70% of the adult population exclusively used cell phones. He said that if they wanted to be an attractive location for new businesses or encourage people to stay there, they must address cell phone coverage issues.

Mr. Bivins said that cell phone infrastructure might be similar to seeing telephone poles or wires but was essential for modern communication. He said that some individuals argued that people should get broadband or fiber in certain areas instead, but he believed this created an equity issue since it was not always feasible for everyone. He said that he approved of the proposal, and while he wished it were 30, but he did not want to go to 50. He said that he understood what Mr. Fritz was saying about getting it to 30, but it was a convoluted way of doing so.

Mr. Murray said that he wanted to express his concern regarding applications that came before them because they could not consider the coverage and service they would provide when they were presented. He said that this was ironic since they were now considering an ordinance to address their lack of coverage. He said that as someone who lived in a rural area with minimal cell coverage at home, this issue did not significantly affect him. He said that he did not move to this area for better cell coverage; he had other means of connecting. He said that he lived in Batesville before this, where he also had limited cell coverage, which did not pose a problem for him. He said that he survived then, and he would continue to survive. He said that reliable electricity and high-speed internet were essential for him. He said that cell phone coverage was not a priority.

Mr. Murray said that one of the significant gaps in this discussion was their lack of accurate mapping in the County for high biodiversity areas or areas of natural importance. He said that they mentioned that these facilities would not be placed in those areas; however, they did not have a map identifying them. He said that another issue was their inability to address historic resources in an equitable manner due to the absence of a historic preservation ordinance. He said that if they had had those criteria in advance, this decision would have been easier for him. He said that they could then suggest providing an avoidance area around historic resources, as identified by their historic resources committee, and around areas of natural significance, as identified by their local experts.

Mr. Murray said that these were some of his concerns. He said that additionally, they discussed the height of a tower, that was not very large. He said that 130 feet was actually not very far. He said that he would be more supportive of this proposal if they could increase that setback. He said that he was unsure of the exact percentage increase, perhaps 150%, but he suggested adding more than the current 100%. He said that some properties being discussed for cell towers were 100 acres in size; they could accommodate more setback space while still having ample room for the tower. He said that this would address many of the public's concerns, such as one person living 100 feet away from a cell tower.

Mr. Clayborne said that regarding Mr. Bivins' comments, he wished to exercise caution because by definition, a historic building was not particularly old. He said that carefully considering the language they used there was something he would recommend. He said that he would slightly challenge Mr. Murray's comments. He said he believed they should not penalize individuals for relocating to rural areas. He said that he was unsure if everyone shared Mr. Murray's perspective on cell phone usage; however, if he had elderly parents residing there, he would want them to possess a cell phone that functioned properly.

Mr. Clayborne said that based on the information presented tonight, he did not think inaction was an option. He said that public safety was of utmost importance to him when he examined the data and statistics provided there. He said that they had hired consultants for a reason; they were intelligent individuals with extensive experience in this field. He said that he believed they had done an excellent job in balancing the pros and cons and arriving at a reasonable conclusion. He said that consequently, he was inclined to support what had been presented to him and concurred with most of the comments from his colleagues at the dais.

Mr. Carrazana said that he had mixed feelings about this issue and had since June. He said that during that time, they had a long and enlightening presentation given to them by Ms. Rabold. He said that Mr. Fritz had mentioned that they were now discussing the fact that cell towers in

Albemarle County were not very noticeable when compared to other communities outside the County. He said that those communities may not actually have better cell coverage than they did in Albemarle County. He said that this ordinance appeared to disregard all of that progress. He said that he was not arguing that they should not modernize and provide better coverage; in fact, one of his main takeaways was that having multiple providers in one tower would be a significant benefit. He said that they were limited in that.

Mr. Carrazana said that they could increase width and add more antennas, among other improvements. He said that he believed all these factors contributed significantly. He said that the height issue did not concern him personally. He said that however, he objected to the notion that they could be placed anywhere special use designation. He said that in essence, they were allowing them to be situated almost anywhere. He said that he agreed that historic districts should not be restricted from receiving necessary services. He said that he was not in agreement that this was merely a carte blanche that can be placed anywhere. He said that there may be certain areas where they could find common ground in excluding towers altogether; however, he was not seeing this option in the current proposal. He said that he was struggling to strike a balance.

Mr. Carrazana said that they all understood the need for increased coverage and updating their ordinance to accommodate technological advancements. He said that he did not believe that it was an all or nothing situation. He said that he thought they could achieve that goal and probably would. He said that one of the points, and Mr. Bivins reminded him of this, was that 51% of areas were avoidance zones. He said that it was significant. He said that he did not think that 51% was necessary, however, he also did not think that it should be considered zero. He asked where they would find this balance. He said that he was not certain that this particular solution struck that balance, at least not for him.

Mr. Bivins said that his colleague mentioned that they were uncertain about the coverage areas. He said that some people might remember that he had become accustomed to situations where an applicant claims that doing something else does not align with their pro forma, which they cannot verify as good, bad, or indifferent. He said that this was similar to their uncertainty about the coverage area. He said that if he could not ask a developer why they cannot do something, could anyone really expect AT&T or Verizon to reveal their coverage areas. He said that they would only install towers if they could generate profit or close a gap.

Mr. Bivins said that his colleague's point about co-location was relevant; carriers may choose to co-locate due to convenience rather than obligation. He said that the County's land use approach was market-driven, particularly in development areas. He was unsure how one could select something that was not market-driven. He said that the County had decided that the Planning Commission guided decisions for their Supervisors but were not the primary decision-makers. He said that they must determine if there was a middle ground for this process in critical areas of the County, which may involve a secondary level of review to help transmit trust in the Commissioners' decisions. He said that they could encourage staff to come back with solutions that aligned with Albemarle County's spirit.

Mr. Carrazana said that Mr. Bivins had expressed his sentiments. He said that he believed that there were certain areas that would benefit from a second level of review, meaning public review. He said that for instance, they discussed how increased density in some areas might not be detrimental. He said that in other areas, they acknowledged that their infrastructure limitations prevented them from accommodating higher density. He said that the public had the opportunity

for review in these cases. He said that this proposal seemed to eliminate that option, except for historic areas, which he also disagreed with.

Mr. Clayborne asked if staff could go back and review the safety valves for each of those tiers because he did not intend for it to be a free-for-all.

Mr. Carrazana said that his understanding was that any previously approved tower, including those in their entry corridors and in areas that were once considered restricted or avoidance areas, they could now raise that tower.

Mr. Fritz said that avoidance areas were not prohibited areas in Albemarle County; there was no such thing as a prohibited area. He said that to enter an avoidance area, one must obtain a special use permit, which triggered an additional level of review. He said that this review process was accelerated, requiring Board of Supervisors review under federal and state law within 150 days. He said that the current ordinance defined avoidance area locations as ridge areas, parcels within AFDs, parcels within historic districts, clustering where there were three or more towers, and within 200 feet of a state scenic highway or byway.

Mr. Fritz said that the proposed change was to limit avoidance areas to ridge areas, parcels within historic districts, and locations within 200 feet of a state scenic highway or byway. He said that if a property fell within one of these three categories, it would automatically trigger a special use permit review and additional review by the Planning Commission and the Board of Supervisors. He added that agricultural and forestal districts still required review by the Agricultural Forestal Advisory Committee due to state code requirements. He said that this was not a special use permit but an additional level of review that was already in place for these districts.

Mr. Clayborne said that he thought there was additional information. He asked if it were located in the entrance corridor, it still proceeded before the ARB, which served as a safety valve. He asked if this process was automatic.

Mr. Fritz said that the Architectural Review Board could review building permits and related matters; however, they did not have established standards for wireless facilities.

Mr. Bivins asked if Mr. Fritz could clarify where their work of preserving historic resources might be or where they currently stood in terms of feasibility.

Mr. Fritz said that there was a Historic Advisory Committee. He said that the Board had not expressed interest in moving forward with that. He said that one possibility was that while implementing the comprehensive plan, they could identify areas that required additional protection. He said that these areas should be reflected in the zoning ordinance. He said that after adopting the new comprehensive plan, which identified historic resources and their unique aspects, they could return to the ordinance. He said that they could then specify protection radii for each resource, such as 1,000 feet around one and different sizes for others.

Mr. Fritz said that additionally, areas with biodiversity could be designated off-limits if they could be mapped. He said that historic districts could be removed from the wireless regulations initially. He said that after adopting the comprehensive plan, they could amend the zoning ordinance to include protection for the identified historic resources. He said that this process could be divided

into two steps since the zoning ordinance should reflect the comprehensive plan. He said that if the comprehensive plan was amended, so should the zoning ordinance.

Mr. Murray said that creating a gap between two steps in the process might lead to less coverage and potential impacts. He said that waiting for the comprehensive plan to be completed before implementing the ordinance appeared to be more effective.

Mr. Fritz said that he was saying that they could leave the historic resources as an avoidance area now. He said that afterward, they could return and state that they had revised their identification of historic resources. He said that consequently, the zoning ordinance should be amended accordingly.

Mr. Murray said that made sense to him. He said that including scenic rivers in the plan was essential. He said that although they had a 100-foot buffer from streams and other features, 200 feet may still be insufficient. He said that it was crucial to recognize that one could easily observe scenic roads or resources from a distance of 200 feet.

Mr. Fritz said that he recalled this conversation from the late 1990s, as he vividly remembered their discussion about incorporating scenic rivers at that time. He said that they had considered adding them but ultimately decided against it due to concerns about not placing towers near rivers.

Mr. Bivins said that one of the main concerns regarding operating a cell tower was that they wanted to be able to access a facility off of a main road, travel a short distance, deal with their needs, and leave. He said that in his six years on the Planning Commission, no one had ever suggested placing such facilities in remote locations like the back of a field. He said that they simply desired a convenient location for their staff members to access easily and efficiently. He said that he believed that some sensitive areas would be preserved because it would not be economically viable to place a tower in those locations.

Mr. Murray said that 200 feet was insufficient. He said that increasing this distance would address some of their concerns. He said that they could enhance the avoidance area by raising the number. He said that they should consider increasing the setback from property lines significantly. He said that this was crucial because many members of the public worried about cell towers being built too close to their homes. He said that if they doubled the distance from property lines, this concern would be alleviated.

Mr. Carrazana asked Mr. Fritz, in his evaluation of the proposed alterations, what he thought was the most marketable aspect. He said that there certainly was the ease of application and time reduction. He asked if he could identify the most significant changes or effects that they would observe from the proposed changes to the ordinance.

Mr. Fritz said that the increase from 10 to 30 feet, along with the size and spacing of antennas and their standoff distances, would be greater than in previous instances.

Mr. Carrazana asked if they would be seeing more antennas in places, they might not have previously observed them.

Mr. Fritz said that he was unsure if more antennas or additional poles would be observed. He said that it was true they may be more visible because they would now be placed 30 feet above. He

said that it might appear that there were more antennas than previously, even though the total number remained unchanged. He said that he was not certain if this development would prompt a rapid increase in applications in Albemarle County. He said that in the past, they had witnessed bursts of applications from one or more companies as market and construction conditions changed. He said that this was because the situation was evolving due to the market maturing, leading to less construction than in the past. He said that the focus had shifted from building more sites for coverage to increasing capacity instead. He said that however, there continued to be new coverage sites.

Mr. Missel said that staff proposed recommendations for approval of the proposed ordinance, and if the Planning Commission did not support the current ordinances written, staff recommended that the Commission provide alternative language and make a recommendation of approval with the alternate language. He said that during their discussions, he identified two main points that might require adjustments: historic resources as part of the exclusion zone or avoidance area, and setbacks. He said that these were the primary concerns raised during their conversation.

Mr. Carrazana said that he believed Mr. Fritz had recommended leaving the historic resources undisturbed; however, this did not preclude the possibility of a tower being proposed in an avoidance zone, similar to one they had previously approved. He said that it would mean that applications would continue to appear before them until they had a method of clarification.

Mr. Fritz said that he heard that they intended to maintain the current state of historic preservation while updating the comprehensive plan to better identify and protect historic resources. He said that following this, they planned to amend the wireless regulations after adopting the comprehensive plan. He said that in summary, they would leave the preservation as is but acknowledge the need for future review.

Mr. Missel asked what setbacks Mr. Murray had taken issue with.

Mr. Murray said that there were two setbacks: one was 200 feet from a scenic highway, and the other was from the property line. He said that he proposed that both those setbacks be increased. He said that he was open to a reasonable discussion about what that should be. He said that he thought it should be increased to a more appropriate level, taking into consideration the safety and stability of the structure.

Mr. Carrazana said that he believed that the increase in height should be at least proportional to the height. He said that they increased by 30%; therefore, they increased the setback by 30% as well.

Mr. Bivins said that the height of setback for a tower was considered ideal in certain areas of their community when located in Waynesboro. He said that in order to be cautious about the decisions he made, he must carefully consider which projects he approved. He said that the majority of opposition had arisen in the western region of their County. He said that even in cases where towers were situated far from complainants, such as the tower near Western, resistance persisted. He said that to make informed decisions, he must gather more data than simply addressing complaints. He said that this data should include staff reports, applications, and distances from properties. He said that his experience over the past six years had taught him that people had raised objections for reasons unrelated to tower proximity or impact. He said that he must rely on concrete evidence rather than isolated complaints when evaluating potential projects.

Mr. Murray said that the setback accomplished multiple objectives. He said that if they increased the setback, it would address the scenic issue since it was less likely to be noticed, would be farther away, and smaller in appearance. He said that in terms of altering Albemarle County's ordinance, this change would help minimize the visual impact. He said that additionally, it reduced the impact on neighbors. He said that upon calculating the setback increase, if there was a 130-foot tower, this would add an additional 40 feet, which was quite reasonable. He said that they could likely consider a range of 50 to 100 feet.

Mr. Bivins said that he would resist the proposal for several reasons. He said that he had heard discussions about the possibility of gravel being placed down before constructing the road or entranceway, which would likely cause further concerns about the access road leading from the highway. He said that the clearing of X amount of land for this access road would also have an impact. He said that while he appreciated the 30% calculation, he was not convinced about its prevalence without data. He said that he would stand alongside others in supporting the 30% increase, but he was hesitant to add another 100 feet without seeing evidence from previous applications that this was an issue. He said that he believed that the current five-foot setback from boundary lines for developments was already much larger than the height of a tower, so he would like more information.

Mr. Fritz said that they had a one-to-one setback requirement, which meant that structures could be built no closer than a certain distance from the property line. He said that there were two ways to obtain exceptions to this rule: obtaining an easement on the adjoining property or receiving a special exception from the Board of Supervisors. He said that these exceptions allowed for structures to be built closer than one-to-one setback.

Mr. Bivins said that they could buy an easement and make a decision.

Mr. Carrazana asked if a tower currently within 200 feet of a byway or highway and wishing to increase its height by 30 feet was permitted to do so by right.

Mr. Fritz said yes. He said that if a tower had been approved by special use permit in an avoidance area, they could have increased the height by 20 feet.

Mr. Missel asked if they should add the 30% to the 200 feet.

Mr. Moore said that the one-to-one ratio already made sense because it represented the status quo.

Mr. Missel said that he was referring to the 200 feet of the scenic byway.

Mr. Murray said that for cleanliness, he proposed a setback of 1 to 1.5 times the width of the property line, rather than 30%. He said that he would also state that, considering the setback from scenic highways, he would suggest it be 300 feet.

Mr. Bivins asked if Mr. Murray was referring to 250, 20, and 29 as scenic highways.

Mr. Murray said that there were scenic highways, roads, and byways.

Mr. Fritz said that it was Route 6, 22, 231, 20 South.

Mr. Bivins said that they had the opportunity to return to this issue later, he said that he believed it would be fair to ask if they could review these highways when they revisited this topic. He said that he was not particularly concerned about 29 South; however, he did care about it. He said that if they were going to make a decision about this matter, he would feel more confident in his decision-making process if he could obtain some data.

Mr. Missel asked if he was suggesting to postpone this matter and continue the discussion.

Mr. Bivins said no. He said that during the comprehensive planning process, there would be a time when they considered historic data with the group. He said that if their colleague suggested specific locations for these features, he would better understand the rationale for prioritizing them, particularly the byways. He said that he was not as concerned about the highways since drivers typically focused on them.

Mr. Missel said that they been presented with various numbers concerning setback increases. He said that their recommendation involved either approving or denying these proposals. He said that they could provide a specific number for their consideration or recommend that they consider increasing the number without actually providing a specific number. He said that there were concerns about setbacks, and they should have a more informed, objective approach to that matter.

Mr. Carrazana said that they should provide language for staff communication with Supervisors later.

Mr. Herrick said that if there was general consensus to recommend approval with specific revisions or exceptions, the motion could be to move to recommend approval of the ordinances proposed by staff with certain specified revisions. He said that the more specific these revisions were, the better. He said that even if there was only rough consensus, it could be articulated in the form of the motion he suggested.

Mr. Carrazana said that he was uncertain if it was a motion regarding the revision of the comprehensive plan once they had it. He said that he was not sure how this would be formulated into a motion.

Mr. Fritz said that they would communicate that information. He said that their aim was to summarize the discussions held by the Commission, which would be included in their summaries. He said that this was one of the points mentioned during their conversation. He said that currently, they were leaving out the historic district; however, they planned to revisit this topic in the future once further historical research had been conducted.

Mr. Carrazana said that it should also encompass the setbacks and issues with some of the avoidance areas.

Mr. Carrazana motioned to recommend approval of the proposed ordinance included as Attachment 6.

Mr. Murray said that he could not vote in favor of this proposal as currently written.

Mr. Moore seconded the motion, which passed (5-1), Mr. Murray dissenting. (Ms. Firehock was absent from the vote).

Adjournment

At 9:10 p.m., the Commission adjourned to Tuesday, March 12, 2024, Albemarle County Planning Commission meeting, 4:00 p.m. in Room 241, regular meeting at 6:00 pm in Lane Auditorium.



Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 03/12/2024
Initials: CSS